

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1381 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SAROJ N SETHIA

Versus

STATE OF GUJARAT & ORS.

Appearance:

MRS KETTY A MEHTA for Petitioner

MR NN PANDYA for Respondent No.1 & 2

None present for Respondent No.3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 05/07/96

ORAL JUDGMENT

Heard learned counsel for the parties. The petitioner, holder of the post of Child Development Project Officer (C.D.P.O.), Taluka Panchayat, Mundra, Dist. Kutchh, filed this Special Civil Application with a prayer that the respondents No.2 and 3 be directed not to treat the petitioner as Mukhya Sevika, but to treat her in Class-II post of C.D.P.O. in view of the order dated 19th April, 1982. It is not in dispute that the petitioner has been selected to the post of C.D.P.O. and

she joined this post on 19th April, 1982 in regular capacity, though earlier to it, she was holding the charge of the said post. It is also not in dispute that the petitioner is continuing for all these years as C.D.P.O. and she has not been reverted from the said post. Under the order dated 21st February, 1984, of the respondent No.3, annexure 'C', complete administration of the Development Project was given to Taluka Development Officer. This order has been challenged on the ground, before this Court, that the post of Child Development Officer and Taluka Development Officer are Class-II posts and the petitioner has not been given administrative charge of the Child Development Project Officer as she was treated to be only Mukhya Sevika, which is factually not correct.

2. This order has been stayed by this Court and remains under stay for all these years. In view of the fact that this order has been stayed long back and it is not the case of the petitioner that now she has been treated as Mukhya Sevika and not as C.D.P.O., as well as in view of the statement of Shri N.N. Pandya, counsel for the respondent, this writ petition is dismissed with directions that the petitioner shall be treated to be C.D.P.O. for all time until she is reverted back to the post of Mukhya Sevika, in accordance with law. Rule is discharged, subject to aforesaid directions. Ad-interim stay order granted by this Court stands vacated.

(S.K.KESHOTE,J)

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(sunil)